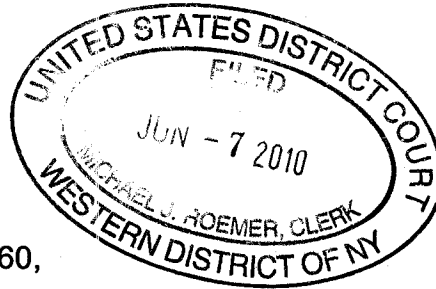


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK



-PS/CD-O-

PRINCE A.Z.K. ADEKOYA, II, A097-513-560,

Petitioner,

-v-

DECISION AND ORDER  
10-CV-6272Fe

MARTIN HERRON, Warden/Facility Director  
Varick Federal Detention Center (VFDF);  
MICHAEL PHILLIPS, in his official capacity  
as New York City Field Office Director for  
Detention and Removal, New York District Office,  
U.S. Immigration and Customs Enforcement;  
JOHN T. MORTON, in his official capacity as  
Acting Assistant Secretary of Immigration and  
Customs Enforcement (ICE); JANET  
NAPOLITANO, in her official capacity as the  
Secretary of the U.S. Department of Homeland  
Security (DHS) and ERIC H. HOLDER, JR.,  
in his official capacity as the Attorney General  
of the United States Department of Justice et al.;

Respondents.

Petitioner Prince A. Z. K. Adekoya, II, who is currently detained at Buffalo Federal Detention Center pursuant to a final order of removal, seeks relief pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition. Given the circumstances alleged by petitioner,

IT HEREBY IS ORDERED as follows:

1. Within **20 days** of the service of this order, respondent shall file and serve an **answer** to the application with the Clerk of Court which shall respond to the allegations of the petition. Alternatively, in the appropriate case, respondent may file a

motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **20 days** from service of this order.

Respondent also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and including citations of relevant supporting authority. Respondent is directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C.

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).

2. The Clerk of Court shall serve a copy of the petition, together with a copy of this order, by certified mail, upon the following:

- Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Buffalo Field Office Director, Detention & Removal Office, Immigration and Customs Enforcement Department of Homeland Security, 130 Delaware Avenue, Buffalo, NY 14202;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Acting Director, Bureau of Immigration and Custom Enforcement, 425 I Street, NW Washington, DC 20536;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;

- United States Attorney for the Western District of New York, Civil Division,  
138 Delaware Avenue, Buffalo, New York 14202;

- James W. Grable, District Counsel for the Department of Homeland  
Security, 130 Delaware Avenue, Room 203, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND  
CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENT.**

SO ORDERED.

Dated: JUNE 7, 2010  
Rochester, New York

Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge